

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

[R07-09]

PREAMBLE

1. Sections Affected

R4-16-101
R4-16-603
Article 7
R4-16-701
R4-16-702
R4-16-703
R4-16-704
R4-16-705
R4-16-706
R4-16-707

Rulemaking Action

Amend
Amend
New article
New section
New section
New section
New section
New section
New section
New section

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 32-1403 A)(8), 32-1404(D)

Implementing statute: A.R.S. §§ 32-1401(20), 32-1401(27)(tt)

3. A list of all previous notices appearing in the *Register* addressing the proposed rule:

Notice of Rulemaking Docket Opening: 12 A.A.R. 3903, October 20, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Timothy Miller, Executive Director

Address: 9545 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258

Telephone: (480) 551-2791

Fax: (480) 551-2828

E-mail: tmiller@azmd.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The Board is making rules to provide standards for office-based surgery conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed outpatient surgical center.

6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board did not review or rely on any study.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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8. The preliminary summary of the economic, small business, and consumer impact:

As used in this summary, minimal means less than \$1,000, moderate means between \$1,000 and \$10,000, and substantial means greater than \$10,000.

The rules affect the Board, a licensed physician who performs office-based surgery, a health care professional, staff member, and a patient. The Board should experience minimal to substantial costs to write and implement the rules. The Board believes that most licensed physicians who are currently performing office-based surgery using sedation follow the provisions stated in the rules. These physicians should experience minimal increases in costs because of the rules. Those physicians that are not currently following the rules' provisions could experience minimal to substantial increases in costs, depending on the rule(s) not being followed. By providing clear and understandable rules the rules protect physicians, staff members, health care professionals, and patients. The rules offer recourse to a patient who believes the physician who performed office-based surgery has committed an act of unprofessional conduct because the physician violated the statutes or rules governing office-based surgery.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Timothy Miller, Executive Director
Address: 9545 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258
Telephone: (480) 551-2791
Fax: (480) 551-2828
E-mail: tmiller@azmd.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: March 5, 2007
Time: 9:00 a.m.
Location: 9545 E. Doubletree Ranch Rd.
Scottsdale, AZ 85258

A person may submit written comments about the proposed rules no later than 5:00 p.m. on March 5, 2007 to the individual listed in items 4 and 9. Persons with a disability may request reasonable accommodations by contacting the individual listed in items 4 and 9. Requests should be made as early as possible to allow sufficient time to arrange for the accommodations.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 16. ARIZONA MEDICAL BOARD

ARTICLE 1. GENERAL PROVISIONS

Section
R4-16-101. Definitions

ARTICLE 6. DISCIPLINARY ACTIONS

Section
R4-16-603. Acts of Unprofessional Conduct

ARTICLE 7. OFFICE-BASED SURGERY USING SEDATION

Section
R4-16-701. Health Care Institution License
R4-16-702. Administrative Provisions
R4-16-703. Procedure and Patient Selection

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<u>R4-16-704.</u>	<u>Sedation Monitoring Standards</u>
<u>R4-16-705.</u>	<u>Perioperative Period; Patient Discharge</u>
<u>R4-16-706.</u>	<u>Emergency Drugs; Equipment and Space Used for Office-Based Surgery Using Sedation</u>
<u>R4-16-707.</u>	<u>Emergency and Transfer Provisions</u>

ARTICLE 1. GENERAL PROVISIONS

R4-16-101. Definitions

Unless the context otherwise requires, definitions prescribed under A.R.S. § 32-1401 and the following apply to this Chapter:

1. "ACLS" means advanced cardiac life support, which is performed according to certification standards of the American Heart Association.
2. "Agent" means an item or element that causes an effect.
3. "Approved medical assistant training program" means a program accredited ~~program~~ by any of the following:
 - a. ~~the~~ The Commission on Accreditation of Allied Health Education Programs (CAAHEP);
 - b. ~~the~~ The Accrediting Bureau of Health Education Schools (ABHES); or
 - c. ~~a~~ A medical assisting program accredited by any accrediting agency recognized by the United States Department of Education; or
 - d. ~~a~~ A training program designed and offered by a licensed allopathic physician, ~~that~~ which meets or exceeds any of the prescribed programs, and verifies the entry-level competencies of a medical assistant prescribed under R4-16-402(A).
4. "BLS" means basic life support, which is performed according to certification standards of the American Heart Association.
5. "Deep sedation" means a drug-induced depression of consciousness during which a patient:
 - a. Cannot be easily aroused, but
 - b. Responds purposefully following repeated or painful stimulation, and
 - c. May partially lose the ability to maintain ventilatory function.
6. "Discharge" means a written or electronic documented termination of office-based surgery to a patient.
7. "Drug" means the same as in A.R.S. § 32-1901.
8. "Emergency" means an immediate threat to the life or health of a patient.
9. "Emergency drug" means a drug that is administered to a patient in an emergency.
10. "General Anesthesia" means a drug-induced loss of consciousness during which a patient:
 - a. Is unarousable even with painful stimulus; and
 - b. May partially or completely lose the ability to maintain ventilatory, neuromuscular, or cardiovascular function or airway.
11. "Health care professional" means a registered nurse defined in A.R.S. § 32-1601, registered nurse practitioner defined in A.R.S. § 32-1601, physician assistant defined in A.R.S. § 32-2501, and any individual authorized to perform surgery according to A.R.S. Title 32 who participates in office-based surgery using sedation at a physician's office.
12. "Informed consent" means advising a patient of:
 - a. Purpose for and Alternatives to the office-based surgery using sedation.
 - b. Associated risks of office-based surgery using sedation, and
 - c. Possible benefits and complications from the office-based surgery using sedation.
13. "Inpatient" has the same meaning as in A.A.C. R9-10-201.
14. "Minimal Sedation" means a drug-induced state during which:
 - a. A patient responds to verbal commands.
 - b. Cognitive function and coordination may be impaired, and
 - c. A patient's ventilatory and cardiovascular functions are unaffected.
15. "Moderate Sedation" means a drug-induced depression of consciousness during which:
 - a. A patient responds to verbal commands or light tactile stimulation, and
 - b. No interventions are required to maintain ventilatory or cardiovascular function.
16. "Monitor" means to assess the condition of a patient.
17. "Office-based surgery" means a medical procedure conducted in a physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center. A.R.S. § 32-1401(20)
18. "PALS" means pediatric life support, which is performed according to certification standards of the American Academy of Pediatrics or the American Heart Association.
19. "Patient" means an individual receiving office-based surgery using sedation.
20. "Physician" has the same meaning as doctor of medicine as defined in A.R.S. § 32-1401.
21. "Sedation" means minimum sedation, moderate sedation, or deep sedation.
22. "Staff member" means an individual who:

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- a. Is not a health care professional, and
 - b. Assists with office-based surgery using sedation under the supervision of the physician performing the office-based surgery using sedation.
23. “Transfer” means a physical relocation of a patient from a physician’s office to a licensed health care institution.

ARTICLE 6. DISCIPLINARY ACTIONS

R4-16-603. Acts of Unprofessional Conduct

A physician commits an act of unprofessional conduct when the physician violates one or more subparagraphs of A.R.S. § 32-1401(27). These statutory violations are referenced under the categories that follow.

- 1. No change
 - a. No change
 - b. No change
- 2. No change
 - a. No change
 - b. No change
- 3. No change
 - a. No change
 - b. No change
- 4. No change
 - a. No change
 - b. No change
- 5. No change
 - a. No change
 - b. No change
- 6. No change
 - a. No change
 - b. No change
- 7. No change
 - a. No change
 - b. No change
- 8. No change
 - a. No change
 - b. No change
- 9. No change
 - a. No change
 - b. No change
- 10. No change
 - a. No change
 - b. No change
- 11. No change
 - a. No change
 - b. No change
- 12. No change
 - a. No change
 - b. No change
- 13. No change
 - a. No change
 - b. No change
- 14. No change
 - a. No change
 - b. No change
- 15. No change
 - a. No change
 - b. No change
- 16. No change
 - a. No change
 - b. No change
- 17. No change

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- a. No change
- b. No change
- 18. No change
 - a. No change
 - i. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
 - ii. No change
 - iii. No change
 - iv. No change
 - b. No change
 - i. No change
 - ii. No change
 - c. No change
 - i. No change
 - ii. No change
 - d. No change
 - i. No change
 - ii. No change
- 19. No change
 - a. No change
 - b. No change
- 20. "Performing office-based surgery using sedation in violation of Board rules" includes those actions or omissions that violate A.R.S. § 32-1401(27)(tt) and Article 7 of this Chapter.
 - a. A one-time offense may be resolved with Probation. A violation with a departure from the standard of care may result in a minimum of a Letter of Reprimand and Probation.
 - b. Repetitive or egregious offenses may result in a minimum of Decree of Censure and Probation. Suspension or Revocation may be appropriate in some cases.

ARTICLE 7. OFFICE-BASED SURGERY USING SEDATION

R4-16-701. Health Care Institution License

A physician who uses general anesthesia in the physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center when performing office-based surgery using sedation shall obtain a health care institution license as required by the Arizona Department of Health Services under A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10.

R4-16-702. Administrative Provisions

- A.** A physician who performs office-based surgery using sedation in the physician's office or other outpatient setting that is not part of a licensed hospital or licensed ambulatory surgical center shall:
 - 1. Establish, document, and implement written policies and procedures that cover:
 - a. Patient's rights.
 - b. Informed consent.
 - c. Care of patients in an emergency, and
 - d. The transfer of patients;
 - 2. Ensure that a staff member who assists with or a healthcare professional who participates in office-based surgery using sedation:
 - a. Has sufficient education, training, and experience to perform duties assigned; and
 - b. If applicable, has a current license or certification to perform duties assigned;
 - 3. Ensure that a copy of the patient's rights policy is provided to each patient before performing office-based surgery using sedation;
 - 4. Obtain informed consent from the patient before performing an office-based surgery using sedation that:
 - a. Authorizes the office-based surgery, and
 - b. Authorizes the office-based surgery to be performed in the physician's office;
 - 5. Review all policies and procedures every 12 months and update as needed.
- B.** A physician who performs office-based surgery using sedation shall comply with:
 - 1. The local jurisdiction's fire code;
 - 2. The local jurisdiction's building codes for construction and occupancy;

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3. The biohazardous waste and hazardous waste standards in A.A.C. Title 18, Chapter 13, Article 14;
4. The controlled drug administration, supply, and storage standards in A.A.C. Title 4, Chapter 23.

R4-16-703. Procedure and Patient Selection

- A.** A physician shall ensure that each office-based surgery using sedation performed:
1. Can be safely performed with the equipment, staff members, and health care professionals at the physician's office;
 2. Is of duration and degree of complexity that allows a patient to be discharged from the physician's office within 24 hours;
 3. Is within the education, training, experience and skills of the physician; and
 4. Is within the education, training, experience, and skills of the staff members and health care professionals at the physician's office.
- B.** A physician shall not perform office-based surgery using sedation if, the patient:
1. Has a medical condition or other condition that poses an undue risk of complications, or
 2. Will require inpatient services at a hospital.

R4-16-704. Sedation Monitoring Standards

A physician who performs office-based surgery using sedation shall, from the time sedation is administered until post-sedation monitoring begins:

1. When administering minimal sedation, use a quantitative method of assessing the patient's oxygenation, such as pulse oximetry; and
2. When administering moderate or deep sedation:
 - a. Use a quantitative method of assessing the patient's oxygenation, such as pulse oximetry;
 - b. Monitor the patient's circulatory function by the following:
 - i. Have a continuously displayed electrocardiogram.
 - ii. Document arterial blood pressure and heart rate at least every five minutes.
 - iii. Evaluate the patient's cardiovascular function by pulse plethysmography or oximetry.
 - c. Monitor the patient's temperature to maintain the patient's temperature level as determined by the physician; and
 - d. Ensure a licensed and qualified healthcare professional, other than the physician performing the office-based surgery, whose sole responsibility is attending to the patient, is present throughout the office-based surgery.

R4-16-705. Perioperative Period: Patient Discharge

A physician performing office-based surgery using sedation shall ensure that:

1. During office-based surgery using sedation, the physician is physically present in the room where office-based surgery is performed;
2. After the office-based surgery using sedation is performed, a physician is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient's post-sedation monitoring is discontinued;
3. If using minimal sedation, the physician, health care professional, or a staff member certified in ACLS, Pals, or BLS is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
4. If using deep or moderate sedation, the physician, health care professional, or a staff member certified in ACLS or PALS is at the physician's office and sufficiently free of other duties to respond to an emergency until the patient is discharged;
5. A discharge is documented in the patient's medical record including:
 - a. The time and date of the patient's discharge, and
 - b. A description of the patient's medical condition at the time of discharge; and
6. A patient receives discharge instructions and documents in the patient's medical record that the patient received the discharge instructions.

R4-16-706. Emergency Drugs; Equipment and Space Used for Office-Based Surgery Using Sedation

- A.** A physician who performs office-based surgery using sedation shall ensure that the physician's office:
1. Has, at a minimum, the following:
 - a. A reliable oxygen source with a FiO2 or SaO2 monitor;
 - b. Suction;
 - c. Resuscitation equipment, including a defibrillator;
 - d. Emergency drugs; and
 - e. A cardiac monitor;
 2. Has the sedation equipment for patient monitoring according to the standards in R4-16-704;
 3. Has space large enough:
 - a. To allow for access to the patient during office-based surgery using sedation, recovery, and any emergency;
 - b. To accommodate all equipment necessary to perform the office-based surgery using sedation; and

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- c. To accommodate all equipment necessary for sedation monitoring;
 4. Has a source of auxiliary electrical power available in the event of a power failure; and
 5. Has equipment, emergency drugs, and resuscitative capabilities required under this Section for patients less than 18 years of age, if office-based surgery using sedation is performed on these patients.
 6. Is maintained to minimize the spread of infection.
 - B. A physician who performs office-based surgery using sedation shall:
 1. Ensure that all equipment used for office-based surgery using sedation is maintained, tested, and inspected according to manufacturer specifications, and
 2. Maintain documentation of manufacturer-recommended maintenance of all equipment used in office-based surgery using sedation.
- R4-16-707. Emergency and Transfer Provisions**
- A. A physician who performs office-based surgery using sedation shall ensure that before a health care professional participates in or staff member assists with office-based surgery using sedation, the health care professional and staff member receive instruction in the following:
1. Policy and procedure in cases of emergency.
 2. Policy and procedure for office evacuation, and
 3. Safe and timely patient transfer.
- B. If a physician who performs office-based surgery using sedation expects or intends to use an agent that may trigger malignant hyperthermia, the physician shall ensure that equipment and medication for treating malignant hyperthermia are available for the physician's use before the physician performs the office-based surgery using sedation.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES

[R07-03]

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R9-25-401 | Amend |
| R9-25-406 | Amend |
- 2. Statutory authority for the rulemaking, including both the authorizing statutes (general) and the statutes the rules are implementing (specific):**
- Authorizing statutes: A.R.S. §§ 36-2202(A)(4) and 36-2209(A)(2)
- Implementing statutes: A.R.S. §§ 36-2202(A)(2),(A)(3), (A)(6), and (G); 36-2204(1), (4), (6), and (7); and 36-2208(A)
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**
- Notice of Rulemaking Docket Opening: 12 A.A.R. 3755, October 6, 2006
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|--|
| Name: | Terry Mullins, Bureau Chief |
| Address: | Arizona Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Ste. 540
Phoenix, AZ 85007 |
| Telephone: | (602) 364-3150 |
| Fax: | (602) 364-3568 |
| E-mail: | mullint@azdhs.gov |
| or | |
| Name: | Kathleen Phillips, Rules Administrator and Administrative Counsel |

Notices of Proposed Rulemaking

Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams St., Ste. 200
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

5. An explanation of the rulemaking, including the agency's reasons for initiating the rulemaking:

Through this rulemaking, the Arizona Department of Health Services (ADHS) will implement the emergency medical technician (EMT) certification extension and extension fee provisions added to A.R.S. § 36-2202(G) by Laws 2006, Chapter 166. The rulemaking amends R9-25-401 and R9-25-406 to:

- Allow an individual to apply for EMT recertification within 30 days after the expiration date of the individual's EMT certification, upon payment of an extension fee;
- Create a \$150 EMT certification extension fee;
- Retroactively authorize an individual to act as an EMT during the 30-day-or-less period between the expiration date of the individual's EMT certification and the individual's applying for recertification with the extension fee;
- Clarify that an individual who fails to apply for EMT recertification before or, with a certification extension fee, within 30 days after the expiration of the individual's EMT certification is not eligible for recertification; and
- Revise existing rule language as necessary to conform to these changes.

The proposed rules are consistent with legal advice received by ADHS from the Arizona Attorney General's Office regarding interpretation of the new provisions in A.R.S. § 36-2202(G). The proposed rules are also consistent with the recommendations of the Emergency Medical Services (EMS) Council, which considered draft rules at its meeting on November 20, 2006. After receiving EMS Council's recommendation to go forward with the draft rules, ADHS solicited informal public comment on the draft rules from November 29, 2006, through January 2, 2007. ADHS received several comments regarding the draft rules, only one of which was critical of the draft rules, and determined that no changes to the draft rules were necessary as a result of the comments received.

6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

ADHS did not review any studies related to this rulemaking.

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

As used in this summary, "minimal" means less than \$1,000; "moderate" means \$1,000 to \$9,999; "substantial" means \$10,000 or more; and "significant" means meaningful or important, but not readily subject to quantification.

ADHS will incur minimal-to-moderate costs resulting from the rulemaking process. Each individual who files for EMT recertification within 30 days after the expiration date of the individual's EMT certification will incur a \$150 cost as a result of the EMT certification extension fee created by this rulemaking. This cost could be incurred either by the individual or by the individual's employer, depending on the arrangement existing between the individual and the employer for the costs related to maintaining EMT certification. ADHS does not anticipate that any other persons will incur costs as a result of this rulemaking.

This rulemaking will result in a significant, potentially substantial, benefit to each individual who fails to file for EMT recertification before the individual's EMT certification expiration date and who detects that failure and files for recertification within 30 days after the expiration date. This rulemaking will also result in a significant, potentially substantial, benefit to the employers of these individuals. Prior to this rulemaking, these individuals would have been ineligible for EMT recertification, even if they attempted to file for recertification only one day late, and thus would have been prohibited from working as EMTs until initial certification was again obtained. Because initial certification requires current registration with the National Registry of Emergency Medical Technicians (NREMT), something that ADHS does not require EMTs to maintain after initial certification, an individual could have been unavailable to work as an EMT for an extended period of time as a result of the EMT certification's expiring. This could have necessitated the hiring of additional temporary EMT employees to perform the EMT's scheduled work or the payment of overtime to other employees used to cover the EMT's scheduled work.

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As a result of this rulemaking; however, an individual whose EMT certification expires and who detects that expiration and files for recertification, with the extension fee, within 30 days after the expiration will still be eligible for recertification, will still be eligible to work as an EMT, and will have any post-expiration work as an EMT retroactively authorized upon filing for recertification with the extension fee.

This rulemaking may also benefit the general public, as fewer experienced EMTs should become ineligible for recertification and thus to work as a result of failing to file for recertification prior to expiration.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Terry Mullins, Bureau Chief
Address: Arizona Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Ste. 540
Phoenix, AZ 85007
Telephone: (602) 364-3150
Fax: (602) 364-3568
E-mail: mullint@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator and Administrative Counsel
Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams St., Ste. 200
Phoenix, AZ 85007
Telephone: (602) 542-1264
Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

ADHS has scheduled the following oral proceeding:

Date: March 5, 2007
Time: 10:00 a.m.
Location: Arizona Department of Health Services
150 N. 18th Ave., Rm. 540A
Phoenix, AZ 85007
Nature: Oral proceeding

Individuals with a disability may request a reasonable accommodation by contacting Sarah Harpring at harpris@azdhs.gov or (602) 542-1513. A request should be made as early as possible to allow sufficient time to arrange for the accommodation.

Written comments on the proposed rulemaking or the preliminary economic, small business, and consumer impact summary may be submitted to either individual listed in items 4 and 9 until the close of record at 5:00 p.m. on March 5, 2007.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES**

Notices of Proposed Rulemaking

ARTICLE 4. EMT CERTIFICATION

Section

- R9-25-401. EMT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), ~~and (A)(6), 36-2202(G), and (G)~~ and 36-2204(1), (6), and (7))
- R9-25-406. Application Requirements for EMT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) and 36-2204(1), (4), and (6))

ARTICLE 4. EMT CERTIFICATION

R9-25-401. EMT General Requirements (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), ~~and (A)(6), 36-2202(G), and (G)~~ and 36-2204(1), (6), and (7))

- A. ~~An~~ Except as provided in R9-25-406(G), an individual shall not act as an EMT-B, EMT-I, or EMT-P unless the individual has current certification or recertification from the Department.
- B. The Department shall approve or deny an application required by this Article pursuant to Article 12 of this Chapter.
- C. If the Department denies an application for certification or recertification, the applicant may request a hearing pursuant to A.R.S. Title 41, Chapter 6, Article 10.
- D. The Department shall certify or recertify an EMT for two years:
1. Except as provided in R9-25-405; or
 2. Unless revoked by the Department pursuant to A.R.S. § 36-2211.
- E. An individual whose EMT certificate is expired shall not apply for recertification, unless the individual has been granted an extension to file an application for EMT recertification under R9-25-407 or submits an application for recertification, with a certification extension fee, within 30 days after the expiration date of the EMT certification as provided in R9-25-406.
- F. An individual whose EMT certificate is expired or denied by the Department may apply for certification pursuant to R9-25-404; ~~or, if applicable, R9-25-405.~~
- G. The Department shall keep confidential all criminal justice information received from the Department of Public Safety or any local, state, tribal, or federal law enforcement agency and shall not make this information available for public record review.

R9-25-406. Application Requirements for EMT Recertification (Authorized by A.R.S. §§ 36-2202(A)(2), (A)(3), (A)(4), (A)(6), and (G) and 36-2204(1), (4), and (6))

- A. An individual who holds current and valid certification as an EMT in Arizona may, before the expiration date of the individual's current EMT certification, apply for recertification at the same level of EMT certification currently held or at a lower level of EMT certification.
- B. An individual whose certification as an EMT in Arizona has an expiration date within the past 30 days may apply for recertification at the same level of EMT certification or at a lower level of EMT certification.
- ~~B-C.~~ To apply for recertification, an applicant shall submit to the Department an application including:

1. An application form provided by the Department containing:
 - a. The applicant's name, address, telephone number, date of birth, and ~~s~~Social ~~s~~Security number;
 - b. Responses to questions addressing the applicant's criminal history pursuant to R9-25-402(A)(3), R9-25-402(B)(1), and R9-25-411(A);
 - c. An indication of the level of EMT certification currently held or with an expiration date within the past 30 days and of the level of EMT certification for which recertification is requested;
 - d. Attestation that all information required as part of the application has been submitted and is true and accurate; and
 - e. The applicant's signature and date of signature;
2. For each affirmative response to a question addressing the applicant's criminal history pursuant to R9-25-402(A)(3), R9-25-402(B)(1), and R9-25-411(A), a detailed explanation and supporting documentation; and
3. If applicable, a copy of each EMT certification, recertification, or licensure issued to the applicant in another state or jurisdiction that the applicant holds.

~~C-D.~~ In addition to the application, an applicant shall submit the following to the Department:

1. For EMT-B recertification, either:
 - a. A certificate of course completion signed by the training program director designated for the course session showing that within two years before the expiration date of the applicant's current certificate, the applicant completed either the:
 - i. Arizona EMT-B refresher, as defined in R9-25-306; or
 - ii. Arizona EMT-B refresher challenge examination, as defined in R9-25-306; or
 - b. Evidence of current NREMT-Basic registration;
2. For EMT-I(99) recertification, either:

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- a. Attestation that the applicant:
 - i. Has completed continuing education as required under subsection (~~D~~E), and
 - ii. Has and will maintain for Department review documentation verifying completion of continuing education as required under subsection (~~D~~E); or
- b. Evidence of current NREMT-Intermediate registration; ~~or~~
3. For EMT-P recertification, either:
 - a. Attestation that the applicant:
 - i. Has completed continuing education as required under subsection (~~D~~E), and
 - ii. Has and will maintain for Department review documentation verifying completion of continuing education as required under subsection (~~D~~E); or
 - b. Evidence of current NREMT-Paramedic registration; and
4. For an application submitted within 30 days after the expiration date of EMT certification, a nonrefundable certification extension fee of \$150 in the form of a certified check, business check, or money order made payable to the Arizona Department of Health Services.

~~D.E.~~ An EMT required to attest to completion of continuing education under subsection (~~E~~D)(2)(a) or (~~E~~D)(3)(a) shall complete 60 clock hours of continuing education in the two years before the expiration date of the EMT's current certification or, if applicable, before the end of an extension period granted under R9-25-407, as follows:

1. Seven clock hours through proficiency in cardiopulmonary resuscitation and proficiency in advanced emergency cardiac life support;
2. No more than 48 clock hours for completion of the Arizona ALS refresher;
3. No more than 12 clock hours for passing the Arizona ALS refresher challenge examination;
4. No more than 20 clock hours of training in a single subject covered in the Arizona EMT-I course, the Arizona EMT-P course, or the Arizona ALS refresher;
5. No more than 20 clock hours of teaching in a single subject covered in the Arizona EMT-I course, the Arizona EMT-P course, or the Arizona ALS refresher;
6. No more than 20 clock hours of training related to skills, procedures, or treatments authorized under Article 5 of this Chapter;
7. No more than 20 clock hours of teaching related to skills, procedures, or treatments authorized under Article 5 of this Chapter;
8. No more than 20 clock hours of training in current developments, skills, procedures, or treatments related to the practice of emergency medicine or the provision of emergency medical services;
9. No more than 20 clock hours of participation in or attendance at meetings, conferences, presentations, seminars, or lectures designed to provide understanding of current developments, skills, procedures, or treatments related to the practice of emergency medicine or the provision of emergency medical services;
10. No more than 16 clock hours of training in advanced trauma life support;
11. No more than 16 clock hours of training in pediatric emergency care; and
12. If the individual is certified as an EMT-I(85) and desires to apply for recertification as an EMT-I(99) as provided under R9-25-412, by completing the Arizona EMT-Intermediate transition course, defined in R9-25-301.

~~E.F.~~ The Department shall not issue recertification as an EMT-I(85).

G. If an individual submits an application for recertification, with a certification extension fee, within 30 days after the expiration date of the individual's EMT certification, the individual:

1. Was authorized to act as an EMT during the period between the expiration date of the individual's EMT certification and the date the application was submitted, and
2. Is authorized to act as an EMT until the Department makes a final determination on the individual's application for recertification.

H. If an individual does not submit an application for recertification before the expiration date of the individual's EMT certification or, with a certification extension fee, within 30 days after the expiration date of the individual's EMT certification, the individual:

1. Was not authorized to act as an EMT during the 30-day period after the expiration date of the individual's EMT certification, and
2. Is not eligible for recertification.

I. The Department may deny, based on failure to meet the standards for recertification in A.R.S. Title 36, Chapter 21.1 and this Article, an application submitted with a certification extension fee.

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 26. ARIZONA COMMISSION FOR THE DEAF AND HARD OF HEARING

[R07-10]

PREAMBLE

1. Sections Affected

Rulemaking Action

Article 5	Amend
R9-26-501	Amend
R9-26-502	Repeal
R9-26-502	New section
R9-26-503	Repeal
R9-26-503	New section
R9-26-504	Repeal
R9-26-504	New section
R9-26-505	New section
R9-26-506	Repeal
R9-26-506	New section
R9-26-507	Repeal
R9-26-507	New section
R9-26-508	Repeal
R9-26-508	New section
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R9-26-510	Repeal
R9-26-510	New section
R9-26-511	Repeal
R9-26-511	New section
R9-26-512	New section
R9-26-513	New section
R9-26-514	New section
R9-26-515	New section
R9-26-516	New section
R9-26-517	New section
R9-26-518	New section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 36-1946(1), (2), and (3)

Implementing statute: A.R.S. §§ 36-1971, 36-1973, 36-1974, 36-1975, and 36-1976

3. List of all previous notices appearing in the Register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 12 A.A.R. 2848, August 11, 2006

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carmen Green, Deputy Director
Address: Commission for the Deaf and the Hard of Hearing
1400 W. Washington St., Ste. 126
Phoenix, AZ 85007
Telephone: (602) 542-3362
Fax: (602) 542-3380
E-mail: Carmen.green@acdhh.state.az.us

5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:

Beginning October 2007, unless exempt under A.R.S. § 36-1971(C), an individual who practices as an interpreter for the deaf and the hard of hearing is required to be licensed by the Commission. Currently, the Commission issues a certificate of competency to individuals who meet specified criteria. The Commission is making rules to implement the new licensing requirements.

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6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Most of the economic impact on individuals who practice as an interpreter for the deaf and the hard of hearing results from statute. It is statute that requires licensure, establishes three license categories, requires that an application fee be paid, requires annual license renewal, prescribes eight grounds for license revocation or suspension, and requires notice and opportunity for hearing before disciplinary action is taken.

The economic impact of the rules results from the Commission prescribing an application form and process, establishing the application fee, exercising its discretion to require continuing education as a condition of license renewal, and establishing a disciplinary process that complies with law.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Carmen Green, Deputy Director
Address: Commission for the Deaf and the Hard of Hearing
1400 W. Washington St., Ste. 126
Phoenix, AZ 85007
Telephone: (602) 542-3362
Fax: (602) 542-3380
E-mail: Carmen.green@acdhhs.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Oral proceedings regarding the proposed rules will be held as follows:

Date: Monday, March 12, 2007
Time: 4:00 p.m.
Location: 1400 W. Washington St., Rm. B-1
Phoenix, AZ 85007

Date: Tuesday, March 13, 2007
Time: 4:00 p.m.
Location: Arizona State Schools for the Deaf and the Blind
High School, Rm. 306/307
1200 W. Speedway Blvd.
Tucson, AZ 85745

Date: Thursday, March 15, 2007
Time: 3:00 p.m.
Location: Radisson Woodlands Hotel
Coconino Room
1175 W. Rte. 66
Flagstaff, AZ 86001

The rulemaking record will close at 5:00 p.m. on Friday, March 16, 2007.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

Registry of Interpreters for the Deaf, NAD-RID Code of Professional Conduct, 2005, 333 Commerce St., Alexandria, VA 22314, or www.rid.org, incorporated at R9-26-501.

13. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 26. ~~ARIZONA~~ COMMISSION FOR THE DEAF AND THE HARD OF HEARING

ARTICLE 5. INTERPRETER ~~CERTIFICATION~~ LICENSURE AND REGULATION

Section

R9-26-501.	Definitions
R9-26-502.	Process for Obtaining Interpreters <u>License Application</u>
R9-26-503.	Sign Language Interpreter Certification <u>Application for General Interpreter License</u>
R9-26-504.	Temporary Sign Language Interpreter Certification <u>Application for Legal Interpreter License</u>
R9-26-505.	Expired <u>Application for Provisional Interpreter License</u>
R9-26-506.	Oral Interpreter Certification <u>Short-term Registration of an Interpreter</u>
R9-26-507.	Realtime Reporter Certification <u>License Renewal</u>
R9-26-508.	Application Processing Procedures; Issuance; Denial <u>Licensing Fees</u>
R9-26-509.	Certification Renewal Procedures for Processing Applications; Time-frames
R9-26-510.	Certification Revocation <u>Continuing Education Requirement</u>
R9-26-511.	Rehearing or Review of Decisions <u>Audit of Compliance with Continuing Education Requirement</u>
R9-26-512.	<u>Making a Complaint</u>
R9-26-513.	<u>Complaint Procedures</u>
R9-26-514.	<u>Complaint Advisory Committee</u>
R9-26-515.	<u>Hearing Procedures</u>
R9-26-516.	<u>Rehearing or Review of Commission Decision</u>
R9-26-517.	<u>Disciplinary Action</u>
R9-26-518.	<u>Change of Name or Address</u>

ARTICLE 5. INTERPRETER ~~CERTIFICATION~~ LICENSURE AND REGULATION

R9-26-501. Definitions

~~The~~ In addition to the definitions in A.R.S. §§ 12-242 and 36-1941, in this Article, the following definitions apply ~~in this Article unless otherwise specified:~~

- “ACCI” means American Consortium of Certified Interpreters, an organization that certifies interpreters at one of three levels: ACCI Generalist, ACCI Advanced, or ACCI Master.
- “Accredited” means approved by the:
- New England Association of Schools and Colleges,
 - Middle States Association of Colleges and Secondary Schools,
 - North Central Association of Colleges and Schools,
 - Northwest Association of Schools and Colleges,
 - Southern Association of Colleges and Schools, or
 - Western Association of Schools and Colleges.
1. “Applicant” means an individual who submits a completed application, and documentation to the Council to obtain a certificate of competency seeking an original or renewal license from the Commission.
 2. “Application” means a form provided to applicants by the Council, requiring the following information the documents, forms, and additional information required by the Commission to be submitted by or on behalf of an applicant:
 - a. A photograph, measuring not less than 1 inch by 1 inch, of the applicant that was taken within five years of the date of filing the application;
 - b. The applicant’s full current name and any former names;
 - e. The applicant’s current address and telephone number;
 - d. The applicant’s social security number;
 - e. Whether the applicant previously has applied for a certificate of competency;
 - f. The applicant’s notarized signature, attesting to the truthfulness of the information provided by the applicant; and
 - g. The documentation required by this Article.
 3. “ASL” means American Sign Language, the visual language used by deaf persons in the United States to communicate.
 4. “CDI or CDI-P” means a certified deaf interpreter certificate or certified deaf interpreter--provisional, a certification certifications issued by RID, evidencing that the certificate holder is deaf or hard of hearing, and performs at or above RID standards for deaf interpreters, but provides interpretation services with a hearing qualified interpreter.
 5. “Certificate of competency” means a certificate issued by the Council indicating that the certificate holder has met the

criteria set forth in this Article for the provision of interpretation services to deaf persons in court proceedings, government entity proceedings, and law enforcement encounters.

6. "Certification" means a currently valid card issued by RID, with the word "certified", and the categories in which the cardholder is certified, listed under the cardholder's name.
7. "Certified copy" means having a copy of the original document notarized as being a true and accurate copy of the original.
8. "CI" means certificate of interpretation, a certification issued by RID, evidencing that the certificate holder performs at or above RID standards for sign language interpreters who interpret between ASL and English in both sign-to-voice and voice-to-sign.

"CLIP or CLIP-R" means conditional legal interpreting permit or conditional legal interpreting permit--relay certifications issued by RID.

9. "Continuing legal education" means seminars sponsored by a bar association, law firm, law department, or government entity, at which attendance is not limited to members of the association, firm, department, or entity, and that constitute an organized program of learning, dealing with matters directly related to the practice of law, and following an agenda defined by written materials or exercises distributed as part of the program a workshop, seminar, lecture, conference, class, or other educational activity relevant to the practice of interpreting.
10. "Council" means the Council for the Hearing Impaired.
11. "Court" means a place where people are officially assembled for the administration of justice, including all proceedings before every Grand Jury, Municipal Court, Justice Court, Magistrate Court, Superior Court, Court of Appeals, and Supreme Court in Arizona.
12. "CRR" means a certified realtime reporter certification issued by the NCRA, reflecting that the certificate holder has the training, experience, skills, and equipment to provide realtime on-screen translation, with at least 96% accuracy, for a deaf person in a proceeding.
13. "CSC" means a comprehensive skills certificate, a certification issued by RID, evidencing that the certificate holder performs at or above RID standards for sign language interpreters who interpret between ASL and English, and convert spoken English to an English-based sign system, in both sign-to-voice and voice-to-sign.
14. "CT" means a certificate of transliteration, a certification issued by RID and evidencing that the certificate holder performs at or above RID standards for sign language interpreters who convert spoken or written English to an English-based sign system, in both sign-to-voice and voice-to-sign.
15. "Custody" means that a person in a law enforcement encounter is not free to leave.
16. "Deaf person" means a person who is unable to fully process linguistic information through hearing, including any person who has an average pure tone decibel loss greater than 20dB in the better ear, any person who is observed by a court, government entity, or law enforcement personnel, without an interpreter, to need communication assistance to effectively participate in the proceeding, or any person who is hard-of-hearing, regardless of whether they wear hearing aids.

"Direct supervision" means an individual licensed under R9-26-503 or R9-26-504 is physically present when an individual licensed under R9-26-505 provides interpreting services.

"EIPA" means educational interpreter performance assessment, a diagnostic tool that measures proficiency in interpreting for children or young adults in an educational setting.

17. "English-based sign system" means using conceptually accurate American signs in English syntax. This is distinguishable from finger spelling using the alphabet, and from ASL, which also uses Americans signs, but not necessarily in conceptually accurate English syntax.
18. "Executive Secretary" means the executive officer of the Council who is responsible for implementing the Council's programs and activities, under A.R.S. § 36-1942.
19. "Government entity" means any department, board, commission, agency, or licensing authority of Arizona, or a political subdivision of Arizona.

"Generalist interpreter" means an individual who provides interpreting in any community setting for which the individual is qualified by education, examination, and work history.

20. "Intermediary interpreter" means a person holding a CDI certificate, an RSC certificate, or any person that a deaf person chooses to assist with interpretation services between the deaf person and a qualified interpreter.

"IAC" means interpreter advisory committee.

"IC" means interpretation certificate, a certification issued by RID.

"Interpreter" means an individual who provides interpreting.

21. "Law enforcement encounter" means any situation where a deaf person is questioned, arrested, or taken into custody for any alleged violation of Arizona criminal law, by any law enforcement personnel.

"Legal interpreter" means an individual who is qualified by education, examination, and work history to provide interpreting in a legal setting.

"Class A legal interpreter" means a legal interpreter who provides interpreting in court, a police environment, or administrative adjudicatory proceedings.

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“Class B legal interpreter” means a legal interpreter who provides interpreting in administrative adjudicatory proceedings only.

“Class C legal interpreter” means a legal interpreter who provides interpreting in a legal setting when teamed with a Class A or Class B legal interpreter.

“Class D legal interpreter” means a legal interpreter who is also either a deaf or hard-of-hearing interpreter or an oral transliterator.

“Legal training” means a structured program presented by the Commission, a court, Bar Association, law-enforcement association, RID, accredited institution, or comparable organization, providing information relevant to legal interpreting including the following:

A.R.S. § 12-242.

The structure of the judiciary system of this state.

The judiciary process of this state.

Administrative adjudicatory procedures.

Law enforcement procedures related to interpreting, or

Commonly used legal terms.

“Licensee” means an interpreter who holds a current license issued under A.R.S. § 36-1974 and this Article.

“Mentor” means an individual licensed under R9-26-503 or R9-26-504 who agrees to assist a provisional licensee to develop as an interpreter by occasionally observing the provisional licensee providing interpreting services and providing feedback.

“MCSC” means master comprehensive skills certificate, a certification issued by RID.

22. “NCRA” means the National Court Reporters Association.

23. “OIC” means an oral interpretation certificate issued by RID, evidencing that the certificate holder performs at or above RID standards for oral interpreters.

24. “Oral Interpreter” means a person who mouths a spoken message so that a deaf person can accurately speech read and understand the intent of the spoken message, and who accurately verbalizes the message and intent of the deaf person’s speech and mouth movements.

“NAD” means the National Association of the Deaf, which issues three levels of certification: NAD III (generalist), NAD IV (advanced), and NAD V (master).

“NIC” means National Interpreter Certification, a certification issued by NAD-RID at one of three levels, NIC Certified, NIC Advanced, or NIC Master.

“OIC” means oral interpreting certificate, a certification issued by RID in one of three categories: comprehensive, spoken to visible, or visible to spoken.

“Oral transliteration” means to facilitate communication between an individual who is deaf or hard of hearing and an individual who hears by using inaudible speech and natural gestures to convey a message to the deaf or hard-of-hearing individual and understanding and verbalizing the message and intent of the speech and mouth movements of the individual who is deaf or hard of hearing.

“OTC” means oral transliteration certificate, a certification issued by RID.

25. “Party” means a deaf person who is a parent of a juvenile, a witness, complainant, defendant, or attorney in a court proceeding; a deaf person who is a principal party of interest, or a witness in a government entity proceeding; or a deaf person who is a defendant, or a criminal suspect in a law enforcement encounter.

26. “Proceeding” means any civil, criminal, or grand jury proceeding; any government entity proceeding; or any law enforcement encounter.

“Provisional interpreter” means an individual who is qualified by education, examination, and work history to provide interpreting while pursuing RID certification.

“Class A provisional interpreter” means a provisional interpreter who provides oral transliteration and does not have an OTC.

“Class B provisional interpreter” means a provisional interpreter who was paid for interpreting services before the effective date of this Article and is qualified to provide interpreting services when working with a mentor or when teamed with an individual licensed under R9-26-503 or R9-26-504.

“Class C provisional interpreter” means a provisional interpreter who is qualified to provide interpreting services only under direct supervision.

“Class D provisional interpreter” means a provisional interpreter who is deaf or hard of hearing and does not have a CDI.

27. “Qualified interpreter” means a person who has a certificate of competency issued by the Council, and who is a court reporter who provides realtime translation, a sign language interpreter, or an oral interpreter. an individual licensed under this Chapter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary required by the interpreting situation.

28. “Realtime translation” means a court reporter’s computer-aided method of accurately and simultaneously translating and displaying spoken words, including punctuation, in live proceedings, within five seconds of steno type input, for

~~a deaf person to read.~~

29. “RID” means Registry of Interpreters for the Deaf.

30. “RSC” means a reverse skills certificate, ~~which is the prior name of a CDI, and is synonymous with CDI~~ a certification issued by RID.

31. “SC:L” means specialist certificate: legal, ~~a certification issued by RID, evidencing that the certificate holder has specialized knowledge of the legal system, and performs at or above RID standards for interpreting in proceedings.~~

“SC:PA” means specialist certificate: performing arts, a certification issued by RID.

32. “Sign language interpreter” means a person who has a: (1) CI and CT; (2) CSC; (3) CDI; (4) RSC; or (5) SC:L certification from RID.

33. “Speech read” means ~~determining what a person is saying by the person’s mouth movements, body language, and the context of the conversation.~~

34. “Supervision” means ~~that the supervising qualified interpreter has direct, in person contact with the interpreter that he or she is supervising, and provides orientation information to the supervisee about providing interpreter services in proceedings, observes the supervisee providing interpretation services in proceedings, has the supervisee observe the supervisor providing interpretation services in proceedings, and provides feedback to the supervisee about the supervisee’s performance.~~

“TC” means transliteration certificate, a certification issued by RID.

“Team” means two or more licensed interpreters providing interpreting for an individual or group of individuals during a single interpreting session.

“Unprofessional conduct,” as used in A.R.S. § 36-1976, means violation of the NAD-RID Code of Professional Conduct, 2005, which is incorporated by reference and available from the Commission and RID, 333 Commerce St., Alexandria, VA 22314, or www.rid.org. The material incorporated includes no later edition or amendment.

R9-26-502. Process for Obtaining Interpreters License Application

A. The court, government entity, or law enforcement personnel responsible for obtaining a qualified interpreter in any proceeding where a deaf person is a party, shall follow the steps stated in subsection (B).

B. The court, government entity, or law enforcement personnel shall:

1. Determine whether a party is a deaf person, either based on the party’s request, or on the observation of the court, governmental entity, or law enforcement personnel;
2. Once a party is determined to be deaf, determine from the deaf person whether the deaf person needs sign language interpretation, oral interpretation, court reporter realtime translation, or a combination of interpretation services;
3. Determine, for sign language interpretation services, whether the deaf person needs ASL or an English-based sign system;
4. Arrange for a qualified interpreter to provide interpretation services; and
5. Determine from the deaf person whether the qualified interpreter meets the deaf person’s communication needs at the outset of the proceeding or encounter, either upon complaint by the deaf person, or by observation of the court, government entity, or law enforcement personnel.

C. The deaf person may object to the qualified interpreter because the interpreter cannot meet the deaf person’s communication needs. The court, government entity, or law enforcement personnel shall then appoint either an intermediary interpreter to work with the qualified interpreter or may provide another qualified interpreter that can meet the deaf person’s communication needs.

A. An applicant for an original license shall submit to the Commission the following information, on an application form provided by the Commission:

1. Applicant’s full name;
2. Applicant’s Social Security number;
3. Applicant’s home or business address;
4. Applicant’s e-mail address;
5. Applicant’s home, business, or mobile telephone number;
6. Applicant’s birth date;
7. Any name by which the applicant has ever been known;
8. Category of licensure for which application is made and if applicable, the class of legal or provisional interpreter license for which application is made;
9. Name of any state or foreign country in which the applicant is or has been licensed or certified to practice as an interpreter, the license or certificate number, date issued, date expired, and a statement whether the license or certificate is or has ever been the subject of discipline and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
10. A statement whether the applicant has ever been denied a license or certificate to practice as an interpreter by a government licensing authority and if the answer is yes, a complete explanation of the denial including date, name of the government licensing authority, and reason for denial;

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11. A statement whether the applicant has ever been convicted of a felony or of an offense involving moral turpitude in this or any other state and if the answer is yes, a complete explanation of the charge and place and date of conviction;
12. A statement whether the applicant has been adjudicated insane or incompetent and if the answer is yes, a complete explanation including date and place of adjudication;
13. A statement whether the applicant wishes to have the applicant's professional credentials and contact information listed on the Commission's web site and in Commission materials; and
14. A statement signed by the applicant verifying the truthfulness of the information provided and affirming that the applicant will comply with the NAD-RID Code of Professional Conduct.

B. In addition to the form required under subsection (A), an applicant shall submit or have submitted on the applicant's behalf the following:

1. Documentation of name change if the applicant is applying under a name different from that on the applicant's credentials;
2. A photocopy of the applicant's:
 - a. High school diploma or GED, or
 - b. Diploma from an accredited college or university;
3. If the answer to subsection (A)(10), (A)(11), or (A)(12) is yes, a copy of any relevant order; and
4. The fee required under R9-26-508.

R9-26-503. Sign Language Interpreter Certification Application for General Interpreter License

A. The Council may issue a certificate of competency to an applicant who files an application with the Council, and submits all of the following:

1. A certified copy of the applicant's sign language interpreter RID certification;
2. An affidavit signed by the applicant, and notarized, attesting whether the applicant:
 - a. Is a CI and CT, CSC, or SC:L certificate holder and has at least 2,000 hours of sign language interpreting experience within the five years immediately preceding the date of filing the affidavit with the Council, or is a CDI or RSC certificate holder and has at least 50 hours of sign language interpreting experience within the five years immediately preceding the date of filing the affidavit with the Council;
 - b. Has ever been disciplined, or is currently the subject of any disciplinary action, in any jurisdiction or before RID relating to providing interpreting services or adhering to the RID Code of Ethics, set forth in subsection (C);
 - c. Has ever been named, or is currently named, as a defendant in any law suit alleging the applicant was negligent in providing the applicant's interpreter services or alleging that the applicant violated the RID Code of Ethics, set forth in subsection (C);
 - d. Follows the RID Code of Ethics, set forth in subsection (C), including the obligation to be absolutely neutral in all proceedings;
 - e. Understands that the applicant shall ensure that the applicant's interpreting skills meet the deaf person's communication needs, and that failure to do so may be grounds for revocation of the applicant's certificate of competency;
 - f. Understands that the applicant shall complete the continuing education requirements necessary to maintain current RID certification in the category or categories in which the Council issued the applicant's certificate of competency;
 - g. Understands that the applicant shall complete at least three clock hours of continuing legal education every year in addition to RID continuing education requirements, shall maintain accurate records of compliance with this subsection, and shall produce the records upon the Council's request; and
 - h. Understands that the applicant shall obtain RID SC:L certification by January 1, 2005.
3. Documentation that the applicant has provided at least 20 hours of sign language interpretation services to a deaf person under the supervision of a qualified interpreter in proceedings.

B. After January 1, 2005, a RID SC:L certification shall be the only RID certification that shall satisfy subsection (A)(1).

C. Interpreters shall comply with the following RID Code of Ethics requirements:

1. Keep all interpreting assignment related information confidential;
2. Render the message to accurately convey the content and spirit of the speaker, using language that the deaf person readily understands;
3. Not counsel, advise, or interject personal opinions;
4. Accept assignments using discretion with regard to their skills, the setting, and the deaf person involved;
5. Request compensation for services in a professional and judicious manner;
6. Maintain high professional standards in providing services, including maintaining absolute neutrality in all proceedings; and
7. Further their knowledge and skills by participating in workshops, professional meetings, interacting with professional colleagues, and reading current literature.

To apply for a generalist interpreter license, an applicant shall:

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1. Comply with R9-26-502; and
2. Submit a photocopy of the front of the applicant's current RID membership card showing that the applicant holds one or more of the following certifications:
 - a. NAD III, IV, or V;
 - b. RID CDI, CI, CLIP-R, CSC, CT, IC, MCSC, OIC, OTC, RSC, SC:L, SC:PA, or TC; or
 - c. NIC Certified, Advanced, or Master.

R9-26-504. ~~Temporary Sign Language Interpreter Certification~~ Application for Legal Interpreter License

- ~~A.~~** ~~The Council may issue a temporary sign language interpreter certificate of competency to an applicant, who holds a CI and CT, CSC, or CDI RID certification, to provide interpretation services in proceedings under the supervision of a qualified interpreter for one year. This applicant shall file an application with the Council, and submit the following:~~
- ~~1. A certified copy of the applicant's CI and CT, CSC, or CDI RID certification; and~~
 - ~~2. The names and addresses of the applicant's qualified interpreter supervisors.~~
- ~~B.~~** ~~The temporary certificate of competency shall automatically expire one year after the date of issue. The temporary certificate holder shall provide 20 hours of sign language interpretation services during the year that the temporary certificate is valid. If the 20 hours are not obtained before the temporary certificate expires, the applicant shall apply for another temporary certificate.~~
- ~~C.~~** ~~Beginning January 1, 2005, the Council shall no longer issue temporary certificates of competency.~~
- A.** To apply for a legal interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:
1. Certification by RID or NAD.
 - a. For a Class A legal interpreter license, SC:L, NIC Advanced or Master, NAD IV or V, CI and CT, or CSC is required;
 - b. For a Class B legal interpreter license, NIC Advanced or Master, NAD IV or V, CI, CT, or CSC is required;
 - c. For a Class C legal interpreter license, NIC Certified, Advanced, or Master, NAD III, IV, or V, CI, CT, or CSC is required; and
 - d. For a Class D legal interpreter license, CDI or OTC is required;
 2. Hours of paid interpreting after initial certification by RID or NAD.
 - a. For a Class A, Class B, or Class C legal interpreter license, 10,000 hours are required; and
 - b. For a Class D legal interpreter license, 25 hours are required; and
 3. Hours of legal training. Twenty-four hours in the last five years are required.
- B.** The Commission shall accept the following documentation:
1. RID or NAD certification.
 - a. A photocopy of the front of the current membership card provided by RID or NAD; and
 - b. A photocopy of the certificate provided by RID or NAD or a copy of the letter received from RID or NAD at the time of initial certification;
 2. Hours of paid interpreting.
 - a. An applicant shall submit an affidavit affirming that the applicant provided the number of hours of paid interpreting required under subsection (A)(2) after initial certification by RID or NAD; and
 - b. Within the time provided under R9-26-509(F) and upon receipt of a comprehensive written request for documentation of the hours of paid interpreting provided, an applicant shall submit evidence that demonstrates the truthfulness of the affirmation provided under subsection (B)(2)(a).
 3. Hours of legal training. A photocopy of a certificate of attendance from the organization providing the legal training that includes the information required under R9-26-510(C).

R9-26-505. ~~Expired~~ Application for Provisional Interpreter License

- A.** To apply for a provisional interpreter license, an applicant shall comply with R9-26-502 and submit documentation of the following:
1. Education. The following hours of interpreter preparation training from an accredited college or university or a RID-approved program:
 - a. Class A or D provisional license: 40 hours; and
 - b. Class B or C provisional license: 80 hours;
 2. Examination. Pass the written portion of the NIC or RID examination; and
 3. Work experience. The following hours of interpreting for which a license is not required under A.R.S. § 36-1971:
 - a. Class A provisional license: 24 hours;
 - b. Class B provisional license:
 - i. 150 hours for which the applicant received pay before the effective date of this Article;
 - ii. A score of at least 4.0 on the EIPA performance test; or
 - iii. ACCI certification;

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- c. Class C provisional license: 80 hours; and
 - d. Class D provisional license: 40 hours.
- B.** In addition to the documentation required under subsection (A):
 - 1. An applicant for a provisional interpreter license shall ensure that a letter of recommendation is submitted directly to the Commission by two individuals who are familiar with the applicant's skill as an interpreter. An individual who submits a letter of recommendation shall use a form that is available from the Commission and provide the following information:
 - a. Name of the applicant for a provisional interpreter license;
 - b. Information about the individual completing the letter of recommendation form:
 - i. Name;
 - ii. Telephone number;
 - iii. Interpreter license number, if any;
 - iv. How long the individual has known the applicant;
 - v. The capacity in which the individual knows the applicant; and
 - vi. Why the individual believes the individual is qualified to assess the applicant's skill as an interpreter;
 - c. An assessment of the applicant's receptive, expressive, and voicing skills; and
 - d. The individual's dated signature.
 - 2. An applicant for a Class B provisional license shall:
 - a. Have a letter submitted directly to the Commission by an individual licensed under R9-26-503 or R9-26-504 indicating that the individual agrees to:
 - i. Act as a mentor to the applicant if the applicant is granted a provisional license;
 - ii. Observe the provisional licensee providing interpreting services at least once each month;
 - iii. Provide feedback to the provisional licensee following each observation; and
 - iv. Provide 30-days notice to the provisional licensee and the Commission before terminating the mentoring relationship; and
 - b. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
 - i. Make and maintain a record of each time the mentor observes the applicant and a summary of the feedback provided; and
 - ii. Make the record maintained under subsection (B)(2)(b)(i) available to the Commission upon request; or
 - c. Submit a letter to the Commission indicating that if the applicant is issued a provisional license, the applicant agrees to:
 - i. Team with an individual licensed under R9-26-503 or R9-26-504 for an average of eight hours each month;
 - ii. Maintain a journal that records the dates on which and the name of the licensee with whom teaming was done and a summary of any feedback provided; and
 - iii. Make the journal maintained under subsection (B)(2)(c)(ii) available to the Commission upon request.
- C.** The Commission shall accept the following documentation of the criteria in subsection (A):
 - 1. Education. A photocopy of certificates of completion showing that the applicant completed hours of interpreter preparation training required under subsection (A)(1);
 - 2. Examination. A photocopy of the letter provided by NIC or RID indicating that the applicant passed the written portion of either the NIC or RID examination.
 - 3. Work experience.
 - a. One or more letters, each of which is signed by an individual or a representative of an entity for whom the applicant provided interpreting, indicating:
 - i. The name of the applicant,
 - ii. The dates on which interpreting was provided, and
 - iii. The hours of interpreting provided by the applicant;
 - b. A photocopy of the letter provided by EIPA indicating the applicant's score on the EIPA performance test; or
 - c. A photocopy of the applicant's ACCI certificate.

R9-26-506. ~~Oral Interpreter Certification~~ Short-term Registration of an Interpreter

- A.** ~~The Council may issue an oral interpreter certificate of competency to an applicant who files an application with the Council, and submits the following:~~
- 1. ~~A certified copy of the applicant's RID OIC certification, or documentation indicating that the applicant has provided at least 360 hours of oral interpreter services within the three years immediately preceding the date the applicant filed the documentation with the Council;~~
 - 2. ~~The information required in R9-26-503(A)(2)(b), (c), (d), (e), (f), and (g); and~~
 - 3. ~~A statement on the applicant's affidavit that the applicant understands that the applicant shall obtain RID OIC certification by January 1, 2005, if not already obtained, and shall complete the continuing education requirements neces-~~

sary to maintain current RID certification.

- B.** After January 1, 2005, applicants for oral interpreter certificates of competency shall have an RID OIC certification to satisfy subsection (A)(1).
- A.** To register with the Commission to provide interpreting in Arizona in a non-legal situation for fewer than 20 days in a year, an interpreter shall submit the following information in writing to the Commission:
 - 1. Interpreter's name;
 - 2. Interpreter's business addresses;
 - 3. Interpreter's business and mobile telephone numbers;
 - 4. Dates on which interpreting will be provided; and
 - 5. Date of most recent short-term registration with the Commission, if any.
- B.** In addition to complying with subsection (A), the interpreter shall submit a copy of the interpreter's RID membership card or license from a government licensing authority.

R9-26-507. Realtime Reporter Certification License Renewal

- A.** The Council may issue a realtime reporter certificate of competency to an applicant who files an application with the Council, and submits the following:
 - 1. ~~A certified copy of the applicant's Superior Court certification issued pursuant to A.R.S. § 12-222, and a notarized affidavit, signed by the applicant, attesting that the applicant has provided realtime translation in at least two trials in state or federal court; or~~
 - 2. ~~A certified copy of the applicant's NCRA Registered Professional Reporter, Registered Merit Reporter, or Registered Diplomate Reporter certification, and a notarized affidavit, signed by the applicant, attesting that the applicant has provided realtime translation in at least two trials in state or federal court; or~~
 - 3. ~~A certified copy of the applicant's CRR, and a notarized affidavit, signed by the applicant, attesting that the applicant follows the NCRA ethical requirements, set forth in subsection (C); and~~
 - 4. ~~A statement on the applicant's affidavit that the applicant understands that the applicant shall obtain NCRA CRR certification by January 1, 2005, if not already obtained, and shall complete the continuing education requirements necessary to maintain current NCRA CRR certification.~~
- B.** After January 1, 2005, NCRA CRR certification shall be the only certification that shall satisfy subsection (A).
- C.** Realtime translators shall comply with the following NCRA Code of Professional Ethics, Section II: Realtime Reporter as Assistive Technology in Legal Proceeding requirements:
 - 1. Explain, before beginning realtime reporting, who has hired the reporter, what is to be reported, and that the realtime is to be used as assistive technology, not as a verbatim record of the proceeding;
 - 2. Determine, before beginning realtime reporting, who owns the residual computer file;
 - 3. Keep all assistive, assignment related information confidential;
 - 4. Render as near a verbatim translation as possible, conveying the content and spirit of the speaker, using substitute language that is computer-translatable for the deaf person to understand, and using parentheticals to describe to the deaf person all sounds during the proceeding;
 - 5. Maintain absolute neutrality in all proceedings, by not counseling, advising, or interjecting personal opinions;
 - 6. Accept assignments using discretion with regard to their skills, the setting, the deaf person being assisted, and accurately assessing the reporter's qualifications for realtime translation;
 - 7. Know how to operate the software and hardware being used, including being able to troubleshoot anticipated problems that occur with software and hardware;
 - 8. Further their knowledge and skills by participating in workshops, professional meetings, interaction with professional colleagues, reading current literature, and achieving additional state or national realtime certifications; and
 - 9. Save a hard copy or computer disk of the actual translation that the deaf person saw on screen. If the translation is saved on computer disk, it shall be in text, or American standard code for information interchange format.
 - 10. In addition to the ethical requirements in subsections (C)(1) through (9), realtime reporters shall not simultaneously act in a dual capacity as a realtime reporter for the benefit of a deaf person, and the stenographer who is recording the official verbatim record of the proceeding.
- A.** Renewal of a generalist or legal interpreter license.
 - 1. A generalist or legal interpreter license expires on the licensee's birthday beginning with the licensee's second birthday following initial licensure. To continue to practice as a generalist or legal interpreter, the licensee shall, no more than 60 days before the licensee's birthday, submit to the Commission a license renewal application form that provides the following information about the licensee:
 - a. Full name;
 - b. Social Security number;
 - c. Arizona interpreter license number;
 - d. Home or business address;
 - e. E-mail address;

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- f. Home, business, or mobile telephone number;
 - g. If applicable, the name of the licensee's employer and the employer's address and telephone number;
 - h. Name of any state or country in which the licensee is or has been licensed or certified to practice as an interpreter, the license or certificate number, and a statement whether the license or certificate has been the subject of discipline since the date of last application and if the answer is yes, a complete explanation of the discipline including date, nature of complaint, and discipline imposed;
 - i. A statement whether the licensee has been denied a license or certificate to practice as an interpreter by a government licensing authority since the date of last application and if the answer is yes, a complete explanation of the denial including date, name of the government licensing authority, and reason for denial;
 - j. A statement whether the licensee has been convicted of a felony or of an offense involving moral turpitude in this or any other state since the date of last application and if the answer is yes, a complete explanation of the charge and place and date of conviction;
 - k. A statement whether the licensee has been adjudicated insane or incompetent since the date of last application and if the answer is yes, a complete explanation including date and place of adjudication;
 - l. A statement whether the licensee wishes to have the licensee's professional credentials and contact information listed on the Commission's web site and in Commission materials; and
 - m. A statement signed by the licensee attesting to the truthfulness of the information provided and affirming that the licensee will comply with the NAD-RID Code of Professional Conduct.
 - 2. In addition to the license renewal application form required under subsection (A)(1), the generalist or legal licensee shall submit or have submitted on the licensee's behalf:
 - a. A photocopy of the front of the licensee's current RID membership card;
 - b. If the answer to the item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) is yes, a copy of any relevant order;
 - c. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement; and
 - d. The fee required under R9-26-508.
 - 3. If a generalist or legal licensee fails to comply with subsections (A)(1) and (A)(2) on or before the licensee's birthday, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. The former licensee may renew the expired license by complying with subsections (A)(1) and (A)(2), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired.
 - 4. If an expired license is not renewed under subsection (A)(3), the former licensee may obtain a license only by applying as a new applicant.
- B. Renewal of a provisional interpreter license.**
- 1. A provisional interpreter license expires on the licensee's birthday beginning with the second birthday following initial licensure and may be renewed once by complying with subsections (B)(2) and (B)(3).
 - 2. To continue to practice as a provisional interpreter, the licensee shall, no more than 60 days before the licensee's birthday, submit to the Commission a license renewal application form that provides the information specified under subsection (A)(1).
 - 3. In addition to the license renewal application form required under subsection (B)(2), the provisional licensee shall submit or have submitted on the licensee's behalf:
 - a. If the answer to the item in subsection (A)(1)(i), (A)(1)(j), or (A)(1)(k) is yes, a copy of any relevant order;
 - b. An affirmation of compliance with the continuing education requirement in R9-26-510 or, if subject to an audit under R9-26-511, documentation that demonstrates compliance with the continuing education requirement;
 - c. The fee required under R9-26-508;
 - d. If a Class B provisional licensee, letters that meet the standards at R9-26-505(B)(2)(a) and R9-26-505(B)(2)(b) or a letter that meets the standards at R9-26-505(B)(2)(c); and
 - e. If a Class C provisional licensee, an affirmation that the licensee has provided and will continue to provide interpreting services only under direct supervision.
 - 4. If a provisional licensee fails to comply with subsections (B)(2) and (B)(3) on or before the licensee's birthday, the license expires and the former licensee shall cease providing interpreting for which a license is required under A.R.S. § 36-1971. Unless the expired provisional license has previously been renewed under subsections (B)(2) and (B)(3), the former licensee may renew the expired license by complying with subsections (B)(2) and (B)(3), affirming that the former licensee did not provide interpreting for which a license is required under A.R.S. § 36-1971 after the license expired, and paying the penalty prescribed under R9-26-508 no later than 30 days after the license expired.
 - 5. If an expired provisional license is not renewed under subsection (B)(4), the former licensee may obtain a license only by applying under R9-26-503 or R9-26-504.
 - 6. A provisional interpreter license may be renewed a second time only if, in addition to complying with subsections (B)(2) and (B)(3), the licensee submits evidence to the Commission that the licensee attempted to pass the perfor-

mance portion of a RID certification examination and intends to take the performance portion of a RID certification examination again within the next year.

7. The Commission shall not renew a provisional license more than two times. The Commission shall not issue more than one provisional license to an individual.

R9-26-508. Application Processing Procedures; Issuance; Denial Fees

- A.** Within 15 calendar days of receiving an initial or renewal certificate of competency application of any type, the Council shall notify the applicant, in writing, that the application package is complete or incomplete. If the package is incomplete, the notice shall specify what information is missing.
- B.** An applicant with an incomplete package shall supply the missing information within 10 calendar days from the date of the notice. If the applicant fails to do so, the Council may close the file. An applicant whose file has been closed shall begin the application process anew.
- C.** Upon receipt of all missing information within 10 calendar days, the Council shall notify the applicant, in writing, that the application is complete.
- D.** The Council shall not process a certificate of competency application until the applicant has fully complied with the requirements of this Article.
- E.** The Council shall notify an applicant, in writing, whether the certificate of competency is granted or denied, no later than 30 calendar days after the postmark date of the notice advising the applicant that the package is complete.
- F.** The Council may deny a certificate of competency for any of the following reasons:
- 1.** Failure to provide complete documentation;
 - 2.** Providing false or misleading information; or
 - 3.** Failure to meet the requirements stated in this Article.
- G.** The notice of denial shall include the following:
- 1.** Reasons for the denial, with citations to the statutes or rules on which the denial is based;
 - 2.** The applicant's right to request reconsideration pursuant to subsection (H); and
 - 3.** The name and telephone number of an agency contact person who can answer questions regarding the application process.
- H.** The following time frames shall apply for initial and renewal certificate of competency applications:
- 1.** Administrative completeness review time frame: 15 calendar days.
 - 2.** Substantive review time frame: 30 calendar days;
 - 3.** Overall time frame: 45 calendar days.
- I.** Within 15 calendar days of the mailing date of the Council's notice of denial, the applicant may submit a request for reconsideration to the Council, setting forth the facts that justify reconsideration of the denial. The Council shall review all documentation, and interview any persons with information relevant to issuing or denying the applicant's certificate.
- J.** Within 10 calendar days of receiving the applicant's request for reconsideration, the Council shall notify the applicant, in writing, whether the denial is upheld. If a denial is upheld, the Council's notice upholding the denial shall include the following:
- 1.** Reasons for the denial, with citations to the statutes or rules on which the denial is based;
 - 2.** The applicant's right to appeal the denial, including the number of days in which the applicant has to file a request for hearing to challenge the denial, and the right to request an informal settlement conference pursuant to A.R.S. § 41-1092.06;
 - 3.** The name and telephone number of an agency contact person who can answer questions regarding the appeal process.
- K.** An applicant whose certificate is denied has a right to a hearing, an opportunity for rehearing, and, if the denial is upheld, judicial review pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10, and A.R.S. Title 12, Chapter 7, Article 6.
- A.** Under the authority provided by A.R.S. §§ 36-1973(A) and 36-1974(C), the Commission establishes and shall collect the following fees, which are not refundable unless A.R.S. § 41-1077 applies:
- 1.** Generalist or legal license application fee, \$125;
 - 2.** Generalist or legal license renewal application fee, \$50;
 - 3.** Provisional license application fee, \$25
 - 4.** Provisional license renewal application fee, \$25
 - 5.** Penalty for late license renewal, \$100; and
 - 6.** Duplicate license, \$25.
- B.** Before the Commission issues an initial license to an applicant, the Commission shall collect from the applicant a pro-rated license renewal application fee, which will make the initial license valid until the applicant's second birthday following issuance of the initial license. The Commission shall pro-rate the license renewal application fee as follows:
- 1.** Generalist or legal license renewal application fee: \$5 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$50; and
 - 2.** Provisional license renewal application fee: \$2.50 for each month between issuance of the initial license and the applicant's first birthday following issuance of the initial license to a maximum of \$25.

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R9-26-509. Certification Renewal Procedures for Processing Applications: Time-frames

Certification of competency holders shall renew their certificates on or before January 1 of every year. If January 1 is a Saturday, Sunday, or legal holiday, the renewal deadline is the first business day following the Saturday, Sunday, or legal holiday. To renew certificates of competency, the certificate holder shall file all the following documentation with the Council:

1. A certified copy of the certificate holder's current RID, or NCRA, certification;
2. A notarized affidavit, signed by the certificate holder, attesting that since the Council issued the certificate, whether the certificate holder:
 - a. Has been disciplined or is currently the subject of any disciplinary action in any jurisdiction, or before RID or NCRA, as applicable, relating to providing interpretation or realtime reporting services, respectively, or adhering to the RID or NCRA ethical requirements of R9-26-503(C) or R9-26-507(C), respectively;
 - b. Has been named as a defendant in any law suit alleging that the certificate holder was negligent in providing interpretation services, or alleging the certificate holder violated the RID ethical requirements of R9-26-503(C), or alleging the certificate holder was negligent in providing realtime reporting services, or alleging the certificate holder violated the NCRA ethical requirements of R9-26-507(C);
 - c. Follows the RID ethical requirements of R9-26-503(C), or NCRA ethical requirements of R9-26-507(C), as applicable;
 - d. Understands that it is the certificate holder's duty to ensure that the certificate holder's interpreting, or translating, skills meet the deaf person's communication needs, and that failure to do so may be grounds for revocation of the certificate holder's certificate of competency;
 - e. Has completed the requirements necessary to maintain RID, or NCRA certification and understands the certificate holder shall continue to maintain current RID, or NCRA certification;
 - f. Has completed at least three clock hours of continuing legal education since the effective date, or the last renewal date of the certificate of competency, whichever is more recent; and
 - g. Has maintained accurate records of compliance with the continuing legal education requirements of this Article, and shall make these records available for examination upon this Council's request.
3. The certificate holder's current name, address, and telephone number.

A. For the purpose of A.R.S. § 41-1073, the Commission establishes the following licensing time-frames:

1. Administrative completeness review time-frame: 30 days;
2. Substantive review time-frame: 60 days; and
3. Overall time-frame: 90 days.

B. The administrative completeness review time-frame listed in subsection (A)(1) begins on the date that the Commission receives a license application or license renewal application. During the administrative completeness review time-frame, the Commission shall notify the applicant that the application is either complete or incomplete. If the application is incomplete, the Commission shall specify in the notice what information is missing.

C. An applicant with an incomplete application shall supply the missing information within 30 days from the date of the notice. Both the administrative completeness review and overall time-frames are suspended from the date of the Commission's notice until the date that the Commission's office receives all missing information.

D. Upon receipt of all missing information, the Commission shall notify the applicant that the application is complete. The Commission shall not send a separate notice of completeness if the Commission grants or denies a license within the administrative completeness review time-frame in subsection (A)(1).

E. The substantive review time-frame listed in subsection (A)(2) begins on the date of the Commission's notice of administrative completeness or on expiration of the time listed in subsection (A)(1).

F. If the Commission determines during the substantive review time-frame that additional information is needed, the Commission shall send the applicant a comprehensive written request for the additional information. The applicant shall supply the additional information within 60 days. Both the substantive review and overall time-frames are suspended from the date on the Commission's request until the date that the Commission office receives the additional information.

G. If an applicant needs additional time in which to respond under subsection (C) or (F), the applicant shall submit a written notice of extension to the Commission that includes the date by which the applicant will submit the information. The applicant shall establish an extension date that is no more than 120 days from the date established under subsection (C) or (F).

H. If an applicant fails to submit information within the time provided under subsection (C) or (F) or as extended under subsection (G), the Commission shall close the applicant's file. An applicant whose file is closed and who later wishes to be licensed, shall apply anew.

I. Within the time listed in subsection (A)(3), the Commission shall:

1. Grant a license to an applicant who meets the requirements in A.R.S. § 36-1973 and this Article, or
2. Deny a license to an applicant who does not meet the requirements in A.R.S. § 36-1973 or this Article.

J. If the Commission denies a license, the Commission shall send the applicant a written notice explaining:

1. The reason for the denial with citations to supporting statutes or rules,
2. The applicant's right to appeal the denial and have a hearing, and

3. The time for appealing the denial.

R9-26-510. Certification Revocation Continuing Education Requirement

- A.** The Council may revoke a certificate of competency based on a complaint from any person alleging any of the following reasons:
1. The certificate holder has falsified any application or renewal information; or
 2. The certificate holder has violated the RID or NCRA ethical requirements of R9-26-503(C) or R9-26-507(C), respectively.
- B.** A complaint alleging any of the reasons for revocation shall be in writing, with the name, address, telephone number, and signature of the person filing the complaint. A complaint may be written by someone on behalf of the complainant, but also shall include the complainant's name, address, telephone number, and signature, indicating that the complaint is filed by the complainant. A complaint may be videotaped, with the complainant signing the complaint, but also shall include the complainant's name, address, and telephone number.
- C.** Within 20 calendar days of receiving a complaint, the Council shall mail the complaint to the certificate holder, and request the certificate holder to respond.
- D.** The certificate holder shall file a written response to the complaint with the Council, in writing, within 20 calendar days of the date that the complaint was mailed to the certificate holder.
- E.** The Council shall investigate the complaint and either dismiss the complaint, or send the matter to a formal hearing, within 60 calendar days of receiving the complaint. If no grounds are found to support the complaint, the Council shall dismiss the complaint.
- F.** If the complaint is sent to a formal hearing, the hearing shall be conducted pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10. A party to the hearing has an opportunity for rehearing or review, and judicial review pursuant to A.R.S. Title 41, Chapter 6, Article 10, and A.R.S. Title 12, Chapter 12, Article 6.
- A.** Continuing education is required as a condition of licensure renewal. During each license year, a licensee shall complete the following hours of continuing education:
1. General interpreter, eight hours;
 2. Legal interpreter, Class A or B, six hours, of which two hours are legal training;
 3. Legal interpreter, Class C, six hours, of which three hours are legal training;
 4. Legal interpreter, Class D, six hours, of which two hours are legal training; and
 5. Provisional interpreter, 12 hours.
- B.** Between the time of initial licensure and a licensee's first birthday following initial licensure, the licensee shall complete a pro-rated amount of the continuing education required under subsection (A).
- C.** A licensee shall obtain from the provider of a continuing education attended by the licensee a certificate of attendance that includes:
1. Licensee's name and license number.
 2. Name of the continuing education provider.
 3. Name of the continuing education.
 4. Number of hours of attendance, and
 5. Date of the continuing education.
- D.** A licensee shall maintain the certificates of attendance described in subsection (C) for three years.
- E.** A licensee shall submit a copy of the certificates of attendance obtained during a license year if subject to an audit by the Commission under R9-26-511.

R9-26-511. Rehearing or Review of Decisions Audit of Compliance with Continuing Education Requirement

- A.** If a party to an appealable agency action or contested case files a Motion for Rehearing or Review with the Council, it shall be filed not later than 30 calendar days after service of the decision, and shall specify the particular grounds for the motion. For purposes of this subsection, a decision shall be deemed to have been served when personally delivered or mailed by certified mail to the party's last known residence or place of business.
- B.** A rehearing or review may only be granted for any of the following reasons materially affecting the moving party's rights, or ability to receive a fair hearing:
1. Any irregularity in the administrative hearing, any order or abuse of discretion by the administrative law judge or the Council;
 2. Misconduct of the Council, or the administrative law judge, or prevailing party;
 3. Accident or surprise which could not have been prevented by ordinary prudence;
 4. Newly discovered material evidence which could not have been discovered with reasonable diligence and produced at the original hearing;
 5. Excessive or insufficient penalties;
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing; or
 7. A decision which is not justified by the evidence or is contrary to law.

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- ~~C.~~ Not later than 15 calendar days after the Council's receipt of a motion for rehearing or review, the Council may affirm or modify its decision, or grant a rehearing or review. After giving the parties or their counsel notice and an opportunity to be heard, the Council may grant a rehearing or review for a reason not stated in the party's motion. An order modifying a decision or granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted. The rehearing or review shall cover only those matters so specified.
- ~~D.~~ Not later than 15 calendar days after a decision is rendered, the Council may on its own initiative order a rehearing or review for any of the reasons stated in subsection (B), after giving the parties or their counsel notice and an opportunity to be heard.
- ~~E.~~ When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party shall have 10 calendar days from the date of service to serve opposing affidavits. This period may be extended by the Council for good cause up to 20 calendar days, or by written stipulation of the parties. If reply affidavits are permitted, they shall be served within five calendar days of service of the opposing affidavits.

At the time of license renewal, the Commission shall provide notice of an audit of continuing education records to a random sample of licensees. A licensee subject to a continuing education audit shall submit documentation that demonstrates compliance with the continuing education requirement at the same time the licensee submits the license renewal application form required under R9-26-507.

R9-26-512. Making a Complaint

- A.** A complaint may be filed by:
 - 1. An individual for whom interpreting is provided.
 - 2. A person having a direct or professional interest in the incident specified in the complaint, or
 - 3. A person having reason to believe that interpreting was provided by an individual who is not licensed by the Commission and not exempt from licensure under A.R.S. § 36-1971(C).
- B.** Complaint requirements. A complainant shall:
 - 1. Submit the complaint to the Commission in writing or by videotape. If a complaint is submitted by videotape, the Commission shall have the complaint interpreted and transcribed into English and forward the transcript to the complainant for review and approval;
 - 2. Submit the complaint to the Commission within 90 days of the alleged offense; and
 - 3. Specify in the complaint the name of the individual complained against, date and location of the alleged offense, the action complained about, and the statute or rule alleged to have been violated.
- C.** A complainant may withdraw a complaint at any time by providing notice to the Commission.

R9-26-513. Complaint Procedures

- A.** The Commission shall review a complaint to determine whether it meets the requirements under R9-26-512. If a complaint does not meet the requirements under R9-26-512, the Commission shall provide written notice to the complainant that the complaint is dismissed without further action.
- B.** If the Commission determines that a complaint meets the requirements under R9-26-512, the Commission shall assess whether the complaint alleges a violation of A.R.S. Title 36, Chapter 17.1, or this Chapter and:
 - 1. Dismiss the complaint if the Commission determines that the allegation, if true, does not amount to a violation of A.R.S. Title 36, Chapter 17.1, or this Chapter and provide written notice of the dismissal to the complainant; or
 - 2. Serve a copy of the complaint on the individual complained against if the Commission determines that the allegation, if true, amounts to a violation of A.R.S. Title 36, Chapter 17.1, or this Chapter and provide the individual complained against with 20 days to respond and admit, deny, or further explain each allegation in the complaint.
- C.** When the individual complained against responds to the complaint or when the 20 days provided under subsection (B)(2) expire, the Commission's staff shall conduct an investigation and prepare a report that summarizes the complaint and results of the investigation. The Commission shall provide a copy of the investigative report to both the complainant and individual complained against.
- D.** The Commission shall activate an IAC by appointing five members of the IAC pool to assist with resolution of the complaint.
- E.** The IAC shall:
 - 1. Review the complaint, response, and investigative report;
 - 2. Take the steps necessary to achieve an equitable and just resolution of the matters in the complaint; and
 - 3. Recommend a resolution to the Commission.
- F.** The Commission shall accept the resolution recommended by the IAC or schedule a formal hearing regarding the complaint.
- G.** At any step in the complaint or disciplinary process, a statement, affirmation, gesture, or conduct by the individual complained against that relates to the alleged offense and expresses apology, responsibility, sympathy, or a general sense of benevolence to the complainant, the complainant's representative, or a member of the complainant's family, is inadmissible as evidence that the individual complained against violated A.R.S. Title 36, Chapter 17.1, or this Chapter.

R9-26-514. Interpreter Advisory Committee

- A.** The Commission shall appoint eight individuals who are licensed under R9-26-503 or R9-26-504 and are not members of the Commission or Commission staff to serve as members of the IAC pool.
- B.** Individuals appointed under subsection (A) shall serve for two years and may be reappointed for one additional two-year term.
- C.** An individual shall not serve on an IAC if the individual:
 - 1. Is the complainant or individual complained against.
 - 2. Is unable to participate objectively and fairly.
 - 3. Has prior knowledge of the matters in the complaint.
 - 4. Has a relationship with the complainant or individual complained against.
 - 5. Participated in the investigation of the complaint, or
 - 6. Has a conflict of interest in the matter.
- D.** The IAC may:
 - 1. Interview the individual complained against and the complainant.
 - 2. Negotiate a proposed settlement agreement.
 - 3. Make an oral or written recommendation to the Commission about disposition of the complaint, and
 - 4. Answer questions from Commission members.
- E.** Neither the individual complained against nor the complainant is required to participate in an interview with the IAC.

R9-26-515. Hearing Procedures

The Commission shall conduct all hearings in accordance with A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.

R9-26-516. Rehearing or Review of Commission Decision

- A.** The Commission shall provide for a rehearing and review of its decisions under A.R.S. Title 41, Chapter 6, Article 10 and the rules established by the Office of Administrative Hearings.
- B.** A party may amend a motion for rehearing or review at any time before the Commission rules on the motion.
- C.** The Commission may grant a rehearing or review for any of the following reasons materially affecting a party's rights:
 - 1. Irregularity in the proceedings or an order or abuse of discretion that deprived the moving party of a fair hearing;
 - 2. Misconduct by the Commission, its staff, an administrative law judge, or the prevailing party;
 - 3. Accident or surprise that could not have been prevented by ordinary prudence;
 - 4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - 5. Excessive penalty;
 - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
 - 7. The Commission's decision is the result of passion or prejudice; or
 - 8. The findings of fact or decision is not justified by the evidence or is contrary to law.
- D.** The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (C). The Commission shall specify the particular grounds for any order modifying a decision or granting a rehearing.
- E.** When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits.
- F.** Not later than 10 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Commission may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.
- G.** If a rehearing is granted, the Commission shall hold the rehearing within 60 days after the date on the order granting the rehearing.
- H.** The Commission may extend all time limits listed in this Section upon a showing of good cause. A party demonstrates good cause by showing that an extension of time will:
 - 1. Further administrative convenience, expedition, or economy; or
 - 2. Avoid undue prejudice to any party.

R9-26-517. Disciplinary Action

After a hearing that results in a determination that a licensee violated A.R.S. Title 36, Chapter 17.1, or this Chapter, the Commission shall consider the following factors to determine the degree of discipline to impose under A.R.S. § 36-1976(A):

- 1. Prior conduct resulting in discipline;
- 2. Dishonest or self-serving motive;
- 3. Amount of experience as an interpreter;

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4. Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the Commission;
5. Submission of false evidence, false statements, or other deceptive practices during the investigative or disciplinary process;
6. Refusal to acknowledge wrongful nature of conduct;
7. Likelihood that the conduct will occur again;
8. Degree of harm resulting from the conduct; and
9. Whether harm resulting from the conduct was cured.

R9-26-518. Change of Name or Address

The Commission shall communicate with a licensee or applicant using the name and address provided to the Commission by the licensee or applicant. To ensure timely receipt of communication from the Commission, a licensee or applicant shall notify the Commission of any change in the licensee's or applicant's name or address.